

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ricardo PADILLA-Gonzalez,

Defendant

Magistrate Docket No. 40

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

BY: DEPUTY  
Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

'07 MJ 2402

The undersigned complainant, being duly sworn, states:

On or about **October 07, 2007** within the Southern District of California, defendant, **Ricardo PADILLA-Gonzalez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

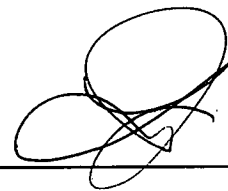
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James E. Bailey  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF OCTOBER, 2007.



Leo S. Papas  
UNITED STATES MAGISTRATE JUDGE

## CONTINUATION OF COMPLAINT:

**Ricardo PADILLA-Gonzalez****PROBABLE CAUSE STATEMENT**

On October 7, 2007, at approximately 7:30 p.m., Senior Border Patrol Agent V. Arguello was performing line watch operations in the Imperial Beach Border Patrol area of operations. He was advised by the National Guard Scope operator, that she was observing two individuals traveling northbound from the U.S./Mexico International Boundary Fence in an area known as "Goats Canyon". "Goats Canyon" is an area commonly used by illegal aliens to further their entrance into the United States due to its close proximity to the border. Agent Arguello responded to the area and encountered two individuals on a hillside, attempting to conceal themselves in dense brush. Agent Arguello identified himself as a United States Border Patrol Agent and questioned the individuals as to their citizenship and nationality. All of the individuals, including one later identified as the defendant, **Ricardo PADILLA-Gonzalez**, admitted that they were all citizens and nationals of Mexico, illegally present in the United States without any immigration documents that would allow them to enter or remain here legally. The defendant and the others were placed under arrest and transported to the Imperial Beach Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 3, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and was willing to answer questions without the presence of an attorney. During the sworn statement, the defendant admitted that he had entered the United States illegally and had no documents that would allow him to enter or remain here legally.